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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/025,395	02/18/1998	NILS R.C. RYDBECK	P-4015.100	9530
24112	7590	12/05/2005	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			APPIAH, CHARLES NANA	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/025,395

**Applicant(s)**

RYDBECK ET AL.

**Examiner**

Charles N. Appiah

**Art Unit**

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/22/05 & 9/28/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 11-18 is/are allowed.
- 6) ☒ Claim(s) 24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 24 and 25 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by **Uchikura (5,337,346)**.

Regarding claim 25, Uchikura discloses a mobile communication device (see Fig. 4), comprising: a transceiver (26) for transmitting and receiving audio signals (see col. 4, lines 14-22), a speaker (12) operatively connected to the transceiver unit for converting audio signals received by the transceiver unit into audible signals which can be heard by a user (feature of A/D-D/A converter 23), a microphone (11), operatively connected to the transceiver unit for converting the user's voice into audio signals for transmission by the transceiver (input of microphone 11 into A/D-D/A converter 23), a memory (detachable card-type memory means, col. 12, lines 34-42), operatively connected to the transceiver unit for storing pre-recorded audio for subsequent playback through the speaker, and a detachable adapter for attaching to the transceiver unit, the memory being located in the adapter (voice (audio) information being recorded on the IC card, see col. 10, line 46 to col. 11, line 18, Fig. 12).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Uchikura (5,337,346) in view of Kenichi (JP 8-019032).**

Regarding claim 24, Uchikura discloses a mobile communication device (see Fig. 4), comprising: a transceiver (26) for transmitting and receiving audio signals (see col. 4, lines 14-22), a speaker (12) operatively connected to the transceiver unit for converting audio signals received by the transceiver unit into audible signals which can be heard by a user (feature of A/D-D/A converter 23), a microphone (11), operatively connected to the transceiver unit for converting the user's voice into audio signals for transmission by the transceiver (input of microphone 11 into A/D-D/A converter 23), a memory (detachable card-type memory means, col. 12, lines 34-42), operatively connected to the transceiver unit for storing pre-recorded audio for subsequent playback through the speaker, and a detachable adapter for attaching to the transceiver unit, the memory being located in the adapter (voice (audio) information being recorded on the IC card, see col. 10, line 46 to col. 11, line 18, Fig. 12). Uchikura fails to disclose a removable battery pack attachable to the transceiver unit, the memory being located in the battery pack.

In an analogous field of endeavor, Kenichi discloses a portable radio equipment capable of recording voice wherein the recorder is mounted in a voice

recording adaptor in a battery pack module which is removably mounted to the portable radio equipment (see abstract). According to Kenichi, the voice recording adapter includes a memory for voice sound recording and is easily detached and attached to the recording adaptor, see Detailed Description, [0006-0009]).

It would therefore have been obvious to one of ordinary skill in the art to provide Kenichi's removable battery pack having memory capability to Uchikura's mobile communication device in order to provide additional storage means for recording and storing desired audio signals which can be played back at a user's convenience.

#### ***Allowable Subject Matter***

6. Claims 1-9 and 11-18 are allowed.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsuoka et al. (JP 2001333152) discloses an incoming call notification system.

Iwama (JP 5-91169) discloses a portable telephone set capable of answering an incoming call as a priority while listening to sound reproduction.

Kondo (JP 2001-268181) discloses a mobile phone capable of receiving an incoming call while playing music.

Mori (6,944,287) discloses a portable terminal capable of terminating music when a call comes in.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Appiah whose telephone number is 571 272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA



**CHARLES APPIAH**  
**PRIMARY EXAMINER**